

Message Text

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UNCLAS JIDDA 6171

E.O. 11652: N/A
TAGS: CGEN: JUDICIAL ASSISTANCE
SUBJ: JUDICIAL ASSISTANCE: EXECUTION OF JUDGEMENTS IN SAUDI ARABIA

REF: JIDDA 1744, STATE 49736

1. CONGRESSMAN DICKS INTERESTED.
2. FOLLOWING REPLY RECEIVED FROM MFA TO NOTE SENT IN REFTEL.
3. QUOTE "THE MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS BEST COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA IN JIDDA, AND WITH REFERENCE TO ITS NOTE NO. 184 OF MAR. 4, 1978, INQUIRING ABOUT THE POSSIBLE EXECUTION OF A DECISION WHICH WOULD BE GIVEN BY THE COMPETENT U.S. COURT TRYING THE CASE OF PRIVATE RIGHT DUE FOR COMPENSATING THE FAMILIES OF TWO AMERICAN CITIZENS WHO DIED IN AN ACCIDENT DUE TO A CAR BELONGING TO A SAUDI STUDENT STUDYING IN THE U.S., WHOSE CAR WAS NOT INSURED, AND WHO RETURNED TO THE KINGDOM IN THE WAKE OF THE ACCIDENT.
THE MINISTRY STATES THAT THE COMPETENT SAUDI AUTHORITY IS NOT IN A POSITION TO EXECUTE SUCH A DECISION DUE TO THE NON EXISTENCE OF A DECISION EXECUTION PACT BETWEEN THE KINGDOM AND THE U.S. IN ADDITION TO THE DISSIMILARITY OF THE TWO COUNTRIES IN PUBLIC LAW WHICH CUSTOMARILY GOVERNS LEGAL DECISIONS. HOWEVER, THE HEIRS OF THE DECEASED

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MAY, IF THEY WISH, APPOINT AN ATTORNEY IN FACT TO SUE THE SAID STUDENT IN THE KINGDOM, PROVIDED THE SAUDI LAWYER IS PROVIDED WITH A POWER OF ATTORNEY AND THE INHERITANCE LIMITATION DEED, BOTH TRANSLATED INTO ARABIC AND DULY AUTHENTICATED.
SHOULD THE U.S. AUTHORITIES CONCUR WITH THE FOREGOING, THE SAUDI COMPETENT AUTHORITY MUST BE FURNISHED A COPY

OF THE ACCIDENT INVESTIGATION REPORT, DULY AUTHENTICATED
AND TRANSLATED INTO ARABIC, FOR EXAMINATION AND THE
SUBSEQUENT DETERMINATION OF THE STUDENT'S CULPABILITY, AFTER
INDICATING HIS FULL NAME AND ADDRESS IN THE KINGDOM, SO THAT
HE MAY BE TRACED AND NECESSARY ACTION TAKEN.
THE MINISTRY TAKES THIS OPPORTUNITY TO EXPRESS ITS WARM
REGARDS." UNQUOTE.

4. ALTHOUGH IT APPEARS THAT A WASHINGTON STATE CIVIL
JUDGMENT WOULD NOT BE ENFORCED HERE, THE NOTE FROM SAG
DOES OPEN THE DOOR FOR A LAWSUIT INSTIGATED HERE THRU
A SAUDI ATTORNEY. HOWEVER, ATTORNEYS FOR INJURED
FAMILIES IN U.S. WILL NEED SAUDI LEGAL ADVICE TO
DETERMINE PROBABLE AMOUNT OF SETTLEMENT AWARDED
IN ISLAMIC COURT AND WEIGH COST OF SAUDI LAWYER WHOSE
FEES CAN SEEM EXCESSIVE.
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